

Commission on Self-Represented Litigants  
October 18, 2005 Retreat  
Belgrade, MT

Present:

Members:

Russell Fagg, Chair  
Judy Meadows, Chair  
Tara Veazey  
Michele Snowberger  
Peg Allison  
Shirley Faust  
Ex-Officio Members  
Neil Haight

Guests

Chris Manos  
Ann Gilkey

Absent Members

Mike Nash  
Mark Yeshe

### **CLERK TRAINING**

Michele Snowberger and Judy Meadows provided an update on the Clerk Training: Legal Information vs. Legal Advice.

There have been three formal trainings: Billings, Belgrade and Missoula. Additionally a two hour training was completed at the COLJ Clerk Annual Meeting in Billings.

Scheduled Trainings: November 3, 2005 in Great Falls and Helena  
December 15, 2005.

Prior to a scheduled training, invitations are sent out within a geographical area to the Judges, and also to the Clerks (both District and COLJ). For the training in Great Falls, we are requesting a \$10.00 fee to help cover training costs. We will have to monitor to determine whether this fee is prohibiting individuals from attending.

Tara Veazey would be available to assist with video conferencing. She may be able to be present at a remote location to provide for in-person assistance at the remote location.

The Montana Magistrates Association has generously given a \$500.00 grant to assist with the Clerk Training. Additionally, a judge in his

individual capacity has pledged a \$100.00. The State Bar will be managing the account for this funding.

Russ has received a request from the District Court Clerks in Billings for an additional training there.

There was some discussion regarding who should be invited to the training. There have been individuals from court services, victim advocates, county attorney offices who have attended. All are welcome.

Chris Manos would like to send the schedule of trainings to the appropriate local bar association.

### **JUDGES**

The Commission entered into a discussion regarding additional assistance/training for Judges. Russ reported on his presentation to the District Court judges last week. The American Judicature Society has put together recommendations/best practices. The fact that the AJS has gotten behind a more active role for judges while remaining impartial has been a good starting point for conversation with the Judges.

There was some discussion regarding the effectiveness of conducting a short survey for the courts/judges regarding SRLs. We could use a tool such as survey monkey, which would be at no cost to the commission.

Tara stated that she had completed a study approximately two years ago. She would make the data/summary available to the Commission members.

Michele volunteered to begin a Judge's curriculum regarding SRLs. The Commission will try to get 2 hours with Spring Training for COLJ, District Court Judges meeting. Possible speakers for COLJ judges Judge Harkin and/or Russ.

### **JUDICIAL CANONS**

Chief Justice Karla Gray in her individual capacity has submitted proposed changes to the ABA Model Code of Judicial Conduct to permit greater assistance from the judiciary for SRL.

**MOTION** (by Russ): The Commission formally support/endorse the judicial ethics and standards proposed by Justice Gray.

Seconded by Michele

Motion carried by unanimous vote.

Judy will draft the letter.

### **FORM UPDATE**

Tara Veazey gave an update on the forms and Hot Docs project. The Hot Docs project has been a much larger project than anticipated. It is probably 99% completed, but the remaining is proving to be difficult.

Tara will provide link to the Commission members for the Hot Docs. This is not ready for release to the public.

The Commission engaged in a discussion regarding a method to ensure that non-attorneys are not giving legal advice, possibly a disclaimer at the beginning of the program. There is currently a disclaimer, but MLS will review again. Once the Commission members have an opportunity to look at the site themselves, MLS would welcome any comment.

There was a further discussion as to once the HOT DOCS program was open to the public, whether the original version needed to still be available. The consensus was that there would always be those individuals who for whatever reason would not use a computer, and the hard copy forms would remain on the law library web site.

There are forms that are ready for final review. These include Name Change, Modification to Parenting Plan, Emancipation, and Guardianship.

**MOTION** (by Tara): To create a reviewing body to review forms. Each Commission member will obtain 2 additional individuals with particular expertise in the area covered by the form. These individuals will report back to the Commission Member and the Comments forwarded onto the Commission.

2<sup>nd</sup>: Judy

VOTE: unanimously carried.

Tara will send out latest version of forms ready for review. Commission wants to receive comments back in two weeks.

MLS will bring in a consultant regarding usability of forms. She would like to present to the Commission at the December meeting, suggested for December 7 or 14th, 2005. Tara will get with the consultant to verify her availability and get back to the Commission as soon as possible.

### **COPYRIGHT**

Judy provided an update on the copyright infringement by LegalZoom. Bob Lukes was unavailable immediately before the retreat for more specific information. She believes that a settlement is likely.

Tara brought up a potential issue regarding the MLS copyright of the dissolution forms. She is requesting that all future developments of forms that were developed by MLS, that there be a joint copyright with the Commission. Judy will look into adding a name to the forms that have been copyrighted solely in the Commission's name.

Judy informed the Commission regarding databases, such as LexisNexis and West. These databases might charge a fee to a public library, and might direct an individual to the Law Library Forms Section, but would not charge the user with a fee. The consensus was that this is not a problem, and is quite distinguishable from the LegalZoom issue.

This led to a general discussion regarding publicity/marketing regarding the HotDocs program and the availability of free forms. MLS is working on a marketing campaign to announce the HotDocs program when it goes "live". Tara will keep the Commission updated.

#### **SRJ 6**

Ann Gilkey provided an update regarding the Interim Committee. Ann recommends that we present concrete examples and proposed items for implementation.

Focus should be on "Why the Interim Committee" was called to act on Legal Needs of Low income Montanans? "Why are these issues studied?"

This is an excellent opportunity for the Legislature to become familiar with the issues facing SRLs. We should think about suggesting legislative changes and funding.

Tara and Ann will work on proposed legislation with area that will assist SRL

Discussion regarding the difficulty of getting good data regarding SRL from the Courts. This is a draw back of having a non-unified court system.

#### **RULES/CODE CHANGES**

Are there specific areas that SRLs are facing particular challenges in? How do we address those challenges? Are there rule/code modifications that can be proposed to address these specific challenges? Specific area of confusion: Proxy Marriages, Emancipation proceedings

#### **VISTA VOLUNTEER**

**MOTION** (by Michele): To apply for a VISTA volunteer to assist the Commission in its mission, including form development and pro se

coordinator training program. This volunteer will be primarily supervised by Tara, but additional supervision will be given by other Commission members.

2<sup>nd</sup>: Neil

Vote: Unanimously carried

Michele volunteered to assist with supervision.

### **STRATEGIC PLANNING**

Judy provided a brief history of the Commission.

The Commission members then discussed their future dreams for the Commission.

1. Lawyers to give classes for SRL and general public as part of pro-bono work.
2. Pro Se Coordinator in each District Court in State. Part of their job responsibility could be to assist SRL whether in District Court or COLJ.
3. Get every judge on board with proposed judicial standards.
4. A Paid position to co-ordinate the activities of the Commission.
5. Form Development.
6. A Paid Position on the state level to coordinate SRL activities, including pro-bono, modest means, and self help.
7. Centralized volunteer training
8. Law Clinics
9. Annual Reports and interim reports to the Supreme Court
10. Additional training for Clerks, Judges
11. Buy in at the local level, get County Commissioner, City Council on board. Perhaps a presentation to MACO.
12. Continue to work on the glossary. There are several definitions within Hot Docs program, and we can look to the Code.
13. Discussion on self-help workstations in eastern Montana.
14. Continued communication with the Supreme Court. Judy will request to be included in a Supreme Court open meeting to provide an update. Others on the Commission are welcome to attend, particularly those in Helena.

### **FUNDING**

The approximate Clerk training expenditures to date:

Food for training:	\$ 75.00
Hotel/Mileage	\$ 600.00
Supplies	\$ 400.00
Postage	\$

Paper	\$ 25.00
Laminated Can/Cannot	\$ 500.00
TOTAL Cost	\$1600.00

Commission will make a funding request to the Supreme Court to cover the cost of the Clerk Training.

Some indication that the Supreme Court might be open to funding the cost of the Commission meetings: funds for travel and meetings. However, specific projects would have to have a specific budget request.

Other funding sources:

- MMA

- District Court Judges Association

- Mt Justice Foundation

- Bar Association Sections: Family Law Committee has good reserves

Next year: propose funding part time pro-se clerks. Russ suggested to talk directly to the Chief and then to Jim Oppedahl.

#### **NEXT MEETING**

Focus will be on format for forms, including layout and usability issues. Tentatively scheduled for December 14, 2005, in Helena.